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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,547	01/31/2002	Pieter J. van Zee	100110359-1	2726

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EXAMINER

JELINEK, BRIAN J

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/061,547

Applicant(s)

VAN ZEE, PIETER J.

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3 and 5-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-16 is/are allowed.
- 6) ☒ Claim(s) 2-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment**

The Examiner respectfully submits a response to the amendment received on 5/17/2005 of application no. 10/061,547 filed on 1/31/2002 in which claims 2-3, and 5-16 are currently pending.

### **Arguments**

The Applicant's arguments have been fully considered but they are not persuasive. Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3 are objected to because of the following informalities: there is insufficient antecedent basis for the limitation in the claim. Claims 2-3 recite the limitation "said stored image representation" in lines 22-23 and 4 of the claims, respectively.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Pat. No. 6,435,969), in view of Arakawa et al. (U.S. Pat. No. 6,811,492), and further in view of Suso et al. (U.S. Pat. No. 6,069,648).**

Regarding claim 2, Tanaka discloses a Nintendo Gameboy image capturing device comprising: a housing (Fig. 1); an optoelectric transducer (Fig. 13, element 33) disposed in said housing, arranged to accept an optical input via a light transmissive opening through said housing, and to convert said optical input to an electrical signal (Fig. 13, element 56) (wherein the converted electrical signal is a stored image representation because it is implicit to buffer the A/D converted image); an image processor disposed within said housing and electrically coupled to said optoelectric transducer (Fig. 13, elements 33 and 56); a handheld computing device disposed within said housing, coupled to said image processor, and including: a microprocessor (Fig. 13, element 51), memory coupled to said microprocessor (Fig. 13, elements 45 and 57), a user interface comprising at least one electromechanical activator (Fig. 13, elements 23, 24, and 25), an external computer interface (Fig. 13, element 52), and a display (Fig. 13, element 22).

Tanaka does not disclose the at least one electromechanical activator, when switched from accepting computing device instruction, enables acceptance of a user instruction to couple a second electrical signal representative of a stored image representation to said external computer interface of said handheld computing device to save said electrical signal as a stored image representation in an external computer.

However, Arakawa discloses a Nintendo Gameboy image capturing device wherein the at least one electromechanical activator (Fig. 1B, elements 48a-e), when switched from accepting computing device instruction (after playing a game) (col. 3, line 54-col. 4, line 2; col. 5, lines 50-57), enables acceptance of a user instruction to couple a second electrical signal (the wireless signal for transmission on a selected communications channel) (col. 5, lines 50-57; Fig. 4, element 436) representative of a stored image representation (the buffered A/D converted image) to said external computer interface (Fig. 4, element 436) of said handheld computing device to save said electrical signal as a stored image representation in an external computer (Fig. 5) because the video is stored in the display RAM of the receiving base unit before display (col. 7, lines 23-47). One of ordinary skill in the art would have provided the at least one electromechanical activator, when switched from accepting computing device instruction (after playing a game), enables acceptance of a user instruction to couple a second electrical signal (the wireless signal for transmission on a selected communications channel) representative of a stored image representation (the buffered A/D converted image) to said external computer interface of said handheld computing device to save said electrical signal as a stored image representation in an external computer because the video is stored in the display RAM of the receiving base unit before display in order to provide a videophone personal communicator mode (col. 5, lines 50-63). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention have provided the at least one electromechanical activator, when switched from accepting computing device instruction (after playing a game), enables acceptance of a

user instruction to couple a second electrical signal (the wireless signal for transmission on a selected communications channel) representative of a stored image representation (the buffered A/D converted image) to said external computer interface of said handheld computing device to save said electrical signal as a stored image representation in an external computer because the video is stored in the display RAM of the receiving base unit before display in order to provide a videophone personal communicator mode.

Tanaka does not disclose the display, when switched from displaying computing device information, displays an image regenerated at least in part by said microprocessor from said electrical signal.

However, Arakawa discloses a self-portrait mode, wherein the moving image of the user is displayed to the user for positioning the game machine to ensure that desired images are transmitted to other parties (col. 5, line 64-col. 6, line 5).

Furthermore, Suso discloses a videophone wherein the image of the user and other party may be simultaneously displayed (Fig. 8b; col. 7, lines 28-35). One of ordinary skill in the art would have provided the Nintendo Gameboy videophone of Arakawa with the capability to simultaneously display the user and the other party to ensure that desired images are transmitted to the other parties (Arakawa: col. 5, line 64-col. 6, line 5). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the display, when switched from displaying computing device information (from a game to the videophone), displays an image regenerated at least in part by said microprocessor from said electrical signal (where the Nintendo videophone displays both the user's image and the image of the

Art Unit: 2615

other party) in order to ensure that desired images of the user are transmitted to the other parties.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Pat. No. 6,435,969), in view of Arakawa et al. (U.S. Pat. No. 6,811,492), and further in view of Suso et al. (U.S. Pat. No. 6,069,648), and further in view of Ha et al. (U.S. Pat. No. 6,530,838).**

Regarding claim 3, Tanaka et al. discloses the memory includes a computing device stored document wherein a user input associates a stored image representation with said stored document (col. 2, lines 20-30). Tanaka does not disclose the display further comprises a tactile input display.

However, Ha discloses a game pad connectable to a portable computer (PDA) comprising a digital camera (col. 1, lines 30-31) and touch screen (col. 1, lines 34-45). One of ordinary skill in the art would have provided a touch screen for the purpose of inputting data (col. 1, lines 39-45). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a tactile input display in order to input data for providing a message or drawing directly on the captured image (Tanaka: col. 3, lines 26-30).

***Allowable Subject Matter***

**Claims 5-16 are allowed.**

Regarding claim 5, the reason for allowance is as follows: the prior art does not disclose or fairly suggest an electromechanical activator to accept both a user instruction to turn the image capturing device on and to save said electrical signal as a stored image representation.

Regarding claim 10, the reason for allowance is as follows: the prior art does not disclose or fairly suggest repurposing an electromechanical actuator from said determined function to a shutter actuation function.

Regarding claim 12, the reason for allowance is as follows: the prior art does not disclose or fairly suggest turning the image capture device on in response to a user's activation of a first electromechanical actuator; and accepting a user instruction to said first electromechanical actuator to save said electrical signal as a stored image representation.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the




Art Unit: 2615

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
6/8/2005



DAVID L. OMETZ  
PRIMARY EXAMINER